

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF GEORGIA
DIVISION OF MACON

IN RE: :
: :
SCOTT WILLIAMS, JR. : CHAPTER 13
SARA L. WILLIAMS : CASE NO.: 14-53102
: :
Debtors. :-----
: :
WORLD OMNI FINANCIAL CORP. :
Movant, :
vs. : CONTESTED MATTER
: :
SCOTT WILLIAMS, JR., Debtor :
SARA L. WILLIAMS, Joint Debtor :
CAMILE HOPE, Trustee :
Respondents. :
:

RESPONSE OPPOSING DEBTOR'S MOTION TO MODIFY CONFIRMED CHAPTER 13 PLAN
FILED BY WORLD OMNI FINANCIAL CORP.
REGARDING A 2013 TOYOTA CAMRY

The Creditor, World Omni Financial Corp. ("World Omni" or "Creditor") by and through undersigned counsel moves this honorable Court for entry of an order denying the Debtors' Motion to Modify the Confirmed Chapter 13 Plan [ECF No. 32] (the "Motion") and in support states:

1. On December 24, 2014, Debtors filed their voluntary petition for relief under Chapter 13 of the Bankruptcy Code

2. On June 25, 2013, less than 910-days before the petition date, Debtors signed a Retail Installment Sale Contract (the "Contract") with World Omni for \$43,439.25 which calls for 75 monthly payments of \$579.19 over a period of years and which allowed Debtors to purchase the **2013 TOYOTA CAMRY VIN 4T1BF1FK4DU682929** (the collateral "Car").

3. The Contract grants World Omni a first priority purchase money security interest in the Car perfected by issuance of the Certificate of Title by the State of Georgia.

4. On February 24, 2015, Creditor filed a proof of claim (#13) for the \$27,238.22 Debtors still owed on the Car at the petition date (the “Claim”), well before the April 27, 2015 claims bar date.

5. On July 10, 2015, the Plan was confirmed [ECF No. 28] paying World Omni’s secured Claim 13 on the 910-day Contract between the parties at \$270.00 per month prior to confirmation, then \$540.00 per month for the remaining 50 months of the 57-month Plan.

6. On March 2, 2016, Debtors filed a proposed modification to the confirmed Plan [ECF No. 32] (the “Modification”) that reduces the \$540.00 monthly payments to Creditor to \$450.00 per month. Creditor objects to this reduction as it proposes payments that are insufficient to pay off Debtors’ loan on the Car.

7. The Modification purports to pay \$450.00 per month for 57 months, when in point of fact the Debtors are already 15 months into their 57-month plan. Hence the Modification is not proposed in good faith as a monthly payment of \$450.00 for the 45 remaining months of the Confirmed Plan, would result in more than a \$4,000.00 deficit in paying off Creditor’s Claim.

8. As proposed, the Modification is not feasible and does not sufficiently provide for the Claim of World Omni.

9. Title 11 U.S.C. §1327(1) states that *the provisions of a confirmed plan bind the debtor and each creditor, whether or not the claim of such creditor is provided for by the plan, and whether or not such creditor has objected to, has accepted, or has rejected the plan.*

10. Pursuant to 11 U.S.C. §361, Creditor is entitled to adequate protection of its Claim.

11. The Modification as proposed should be rejected as it does not meet the requirements of 11 U.S.C. §361 or §1325(a), in that it does not adequately protect Creditor’s purchase money security interest in the Car.

WHEREFORE, Creditor respectfully requests that an order be entered that:

- (a) Accepts Creditor’s objections;
- (b) REJECTS Debtors’ proposed Modification to the confirmed Plan;
- (c) Compels Debtors to comply with the Order [ECF No. 28] confirming Debtors’ Chapter 13 Plan and continue paying Creditor at \$540.00 per month;

(d) Grants Creditor such other and further relief as the Court deems appropriate.

Respectfully Submitted,

/s/ Jesse D. Hachat
Jesse D. Hachat, GA Bar No. 142281
202 West Crogan Street
Lawrenceville, GA 30046
hachatlawfirm@gmail.com
(678) 557-6918
(404) 662-2255 fax

OF COUNSEL:
TRIPP SCOTT, P.A.

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CAMILE HOPE, Trustee	:	
Respondents.	:	

CERTIFICATE OF SERVICE

This is to certify that I have this day served all parties in the within and foregoing matter with a copy of the attached Objection to Plan Confirmation by depositing a copy of same in the United States Mail, postage prepaid, addressed as follows:

**Scott Williams, Jr.
& Sara L. Williams**
4254 Roy Avenue
Macon, GA 31206

Alex D. Sanders
Kelley, Lovett & Blakey, P.C.
577 Mulberry Street, Suite 1515
Macon, GA 31201

Chapter 13 Trustee, Camille Hope
Office of the Chapter 13 Trustee
P.O. Box 954
Macon, GA 31202

U.S. Trustee - MAC
440 Martin Luther King Jr. Boulevard
Suite 302
Macon, GA 31201

On this 4th day of April, 2016,

/s/ Jesse D. Hachat
Jesse D. Hachat, GA Bar No. 142281